



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. VA0026557

Effective Date: July 7, 2009

Expiration Date: July 6, 2014

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, and Parts I and II of this permit as set forth herein.

Owner: Phillip Morris USA
Facility Name: Phillip Morris USA Inc - Park 500 Plant
County: Chesterfield
Facility Location: 4100 Bermuda Hundred Road

The owner is authorized to discharge to the following receiving stream:

Stream: James River
River Basin: James River (Lower)
River Subbasin: NA
Section: 10
Class: II
Special Standards: PWS, bb

A handwritten signature in black ink, appearing to be "C. H. ...", written over a horizontal line.

Water Permit Manager, Piedmont Regional Office

7/7/09
Date

A. Limitations and Monitoring Requirements

- During the period beginning with the permit's effective date and lasting until the end of the compliance schedule⁴, the permittee is authorized to discharge from outfall number 001. Such discharges shall be limited and monitored at Outfall 001 by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	MONTHLY AVERAGE		WEEKLY AVERAGE	MINIMUM (mg/L)	MAXIMUM	
	mg/L	kg/d (lb/day)			mg/L	kg/d (lb/day)
Flow (MGD)		NIL	NA	NA	NIL	
pH (standard units) ⁽⁵⁾		NA	NA	6.0	9.0	
cBOD ₅ ^(5,6)	NIL	270 (600)	NA	NA	NIL	540 (1200)
Total Suspended Solids (TSS) ^(5,6)	NIL	200 (450)	NA	NA	NIL	410 (900)
Ammonia as N ⁽⁶⁾	NIL	41 (92)	NA	NA	NIL	83 (180)
Dissolved Oxygen (DO) ⁽⁴⁾		NA	NA	4.6	NA	NA
Total Residual Chlorine (TRC) ⁽¹⁾	0.13	NA	NA	NA	0.27	NA
Dissolved Sulfide (mg/L) ^(2,3)		NIL	NA	NA	NA	NA
					Continuous	Totalizing, Indicating, & Recording Equipment
					5 per Week	Grab
					1 per Week	24 HC
					1 per Week	24 HC
					1 per Week	24 HC
					1 per Day	Grab
					1 per Day	Grab
					1 per 6 Months	24 HC

"NL" means no limitation is established. Monitoring and reporting however are required.
"NA" means not applicable.

- See Part I.B and Part I.E for additional TRC requirements
- See Parts I.C.7. Compliance Reporting for quantification levels and reporting requirements, respectively.
- 1/6 Months = Once per six months, in accordance with the following schedule: 1st half (January 1 - June 30, to be reported on the DMR due July 10 of each year); 2nd half (July 1 - December 31, to be reported on the DMR due January 10 of each year).
- See Part I.C.3 for additional DO requirements and Part I.C.12 for Compliance Schedule.
- See Part I.C. 8 for Reduced Monitoring Frequencies Special Condition.
- The limitations are expressed in two significant digits.

- a. This facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under Registration Number VAN040084, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia.
- b. Samples shall be taken at Outfall 001 following the chlorine contact chamber except as listed in Part I.E.
- c. There shall be no discharge of floating solids or visible foam in other than trace amounts.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 07/06/2009

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)
NAME Philip Morris USA Incorporated - Park 500
ADDRESS PO Box 26603
Richmond VA 23261

Piedmont Regional Office
4949-A Cox Road

FACILITY
LOCATION 4100 Bermuda Hundred Rd

Glen Allen VA 23060

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
BEFORE COMPLETING THIS FORM.

FROM

VA0026557		001	
PERMIT NUMBER		DISCHARGE NUMBER	
MONITORING PERIOD			
YEAR	MO	DAY	TO
YEAR	MO	DAY	TO

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
001 FLOW	REPORTD			*****	*****	*****				
	REQRMNT	NL	MGD	*****	*****	*****			CONT	TIRE
002 PH	REPORTD	*****			*****					
	REQRMNT	*****		6.0	*****	9.0	SU		5D/W	GRAB
004 TSS	REPORTD			*****						
	REQRMNT	450	LBS/D	*****	NL	NL	MG/L		1/W	24HC
005 CL2, TOTAL	REPORTD	*****		*****						
	REQRMNT	*****		*****	0.13	0.27	MG/L		1/DAY	GRAB
019 AMMONIA, AS N	REPORTD			*****						
	REQRMNT	92	LBS/D	*****	NL	NL	MG/L		1/W	24HC
157 CL2, TOTAL CONTACT	REPORTD	*****		*****						
	REQRMNT	*****		1.5	*****	*****	MG/L	3	1/DAY	GRAB
159 CBOD5	REPORTD			*****						
	REQRMNT	600	LBS/D	*****	NL	NL	MG/L		1/W	24HC
213 CL2, INST TECH MIN LIMIT	REPORTD	*****		*****						
	REQRMNT	*****		0.60	*****	*****	MG/L		1/DAY	GRAB

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			DATE					
				TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY			
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. SEE 18 U.S.C. & 1001 AND 33 U.S.C. & 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT			TELEPHONE					
				TYPED OR PRINTED NAME	SIGNATURE							
				TYPED OR PRINTED NAME	SIGNATURE							
				YEAR	MO.	DAY						

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 07/06/2009

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Piedmont Regional Office
4949-A Cox Road

Glen Allen VA 23060

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
BEFORE COMPLETING THIS FORM.

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

NAME Philip Morris USA Incorporated - Park 500
ADDRESS PO Box 26603
Richmond VA 23261

FACILITY LOCATION 4100 Bermuda Hundred Rd

VA0026557	001
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
			TO		

FROM

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS	
865 DO, MONTHLY AVG MIN	*****	*****			*****	*****		
	*****	*****	4.6		*****	*****	MG/L	1/DAY GRAB
872 SULFIDE, DISSOLVED (AS S)	*****	*****			*****	*****		
	NL	*****		*****	NL	*****	MG/L	1/6M 24HC
REPORTD								
REQRMNT								*****
REPORTD								
REQRMNT								*****
REPORTD								
REQRMNT								*****
REPORTD								
REQRMNT								*****
REPORTD								
REQRMNT								*****
REPORTD								
REQRMNT								*****
REPORTD								
REQRMNT								*****
REPORTD								
REQRMNT								*****

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			DATE					
				TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY			
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. SEE 18 U.S.C. & 1001 AND 33 U.S.C. & 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT								
				TYPED OR PRINTED NAME	SIGNATURE	TELEPHONE	YEAR	MO.	DAY			

GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces are blank or a limitation appears, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and, if appropriate, maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".
 $\text{KG/DAY} = \text{Concentration(mg/l)} \times \text{Flow(MGD)} \times 3.785$.
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. Enter the number of samples which do not comply with the maximum and /or minimum permit requirements in the "reported" space in the column marked "No. Ex.".
7. Enter the actual frequency of analysis for each parameter (number of times per day, week, month) in the "reported" space in the column marked "Frequency of Analysis".
8. Enter the actual type of sample collected for each parameter in the "reported" space in the column marked "Sample Type".
9. Enter additional required data or comments in the space marked "additional permit requirements or comments".
10. Record the number of bypasses during the month, the total flow in million gallons and BOD5 in kilograms in the proper columns in the section marked "Bypasses and Overflows".
11. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator, the operator's certificate number should be reported in the space provided.
12. The principal executive officer should then review the form and sign in the space provided and provide a telephone number where he/she can be reached.
13. You are required to sample at the frequency and type indicated in your permit.
14. Send the completed form to your Dept. of Environmental Quality Regional Office by the 10th of each month.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each violation by date.
17. If you have any questions, contact the Dept. of Environmental Quality Regional Office.

2. During the period beginning with the conclusion of the schedule of compliance in Part I.C. 12 and lasting until the end of the permit's expiration date, the permittee is authorized to discharge from outfall number **001**. Such discharges shall be limited and monitored at Outfall 001 by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	MONTHLY AVERAGE		WEEKLY AVERAGE	MINIMUM (mg/L)	MAXIMUM	
	mg/L	kg/d (lb/day)			mg/L	kg/d (lb/day)
Flow (MGD)		NL	NA	NA	NL	
pH (standard units) ⁽⁵⁾		NA	NA	6.0	9.0	
cBOD ₅ ^(5,6)	NL	270 (600)	NA	NA	NL	540 (1200)
Total Suspended Solids (TSS) ^(5,6)	NL	200 (450)	NA	NA	NL	410 (900)
Ammonia as N ⁽⁶⁾	NL	41 (92)	NA	NA	NL	83 (180)
Dissolved Oxygen (DO) ⁽⁴⁾		5.5 mg/L (minimum)	6.0 mg/L (minimum)	5.0 mg/L	NA	NA
		5.5 mg/L (minimum)	4.0 mg/L (minimum)	4.3 mg/L	NA	NA
Total Residual Chlorine (TRC) ⁽¹⁾	0.13	NA	NA	NA	0.27	NA
Dissolved Sulfide (mg/L) ^(2,3)		NL	NA	NA	NA	NA
					1 per 6 Months	24 HC
					1 per Day	Grab
					1 per Day	Grab
					1 per Week	24 HC
					1 per Week	24 HC
					5 per Week	Grab
					Continuous	Totalizing, Indicating, & Recording Equipment

"NL" means no limitation is established. Monitoring and reporting however are required.
"NA" means not applicable.

- (1) See Part I.B and Part I.E for additional TRC requirements
(2) See Parts I.C.7 Compliance Reporting for quantification levels and reporting requirements, respectively.
(3) 1/6 Months = Once per six months, in accordance with the following schedule: 1st half (January 1 - June 30, to be reported on the DMR due **July 10** of each year); 2nd half (July 1 - December 31, to be reported on the DMR due **January 10** of each year).
(4) See Part I.C.3 for additional DO requirements
(5) See Part I.C. 8 for Reduced Monitoring Frequencies Special Condition.
(6) The limitations are expressed in two significant digits.

- a. This facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under Registration Number VAN040084, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia.
- b. Samples shall be taken at Outfall 001 following the chlorine contact chamber except as listed in Part I.E.
- c. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. Additional Effluent Limitations and Monitoring Requirements for Disinfection

1. Total Residual Chlorine Limitations and Monitoring Requirements Applying to the Contact Tank
 - a. The permittee shall monitor the TRC at the outlet of the operating chlorine contact tank or chlorine contact tank system (if operating in series) once per day by grab sample.
 - b. No more than 3 of all samples taken at the outlet of the chlorine contact tank shall be less than 1.5 mg/L for any one calendar month (DMR parameter 157).
 - c. No TRC sample collected at the outlet of the chlorine contact tank shall be less than 0.60 mg/L (DMR parameter 213).
 - d. If dechlorination facilities exist the samples above shall be collected prior to dechlorination.
2. If chlorine disinfection is not used, then *E. coli* shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONMONITORING REQUIREMENTSMONTHLY GEOMETRIC MEANFREQUENCYSAMPLE TYPE*E. coli* 126 N/100 mL

1 per Day

Grab
(Between
10 am and 4 pm)

The above *E. coli* requirements, if applicable, shall substitute for the TRC and *E. coli* requirements delineated elsewhere in Part I.

C. Other Requirements and Special Conditions

1. **Gravity Filters** The use of effluent gravity filters is required only as necessary to maintain permit compliance.
2. **Tobacco Flavoring** The use of tobacco flavors from other Phillip Morris facilities as a food supplement to the Park 500 wastewater treatment plant is acceptable.
3. **Dissolved Oxygen Calculation** The dissolved oxygen limitations established in this permit are defined to be minima. That is, the dissolved oxygen concentrations must be at or above the effluent limitation in order to be in compliance with the limitation.

If more than one dissolved oxygen analysis is made during the 24-hour period that represents a monitoring day, only the minimum value from that day's sampling shall be used in calculating the monthly and weekly average minimums.

4. **Notification Levels** The permittee shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);

- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Board.
 - b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (1) Five hundred micrograms per liter (500 ug/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Board.
5. **Licensed Operator Requirement** The permittee shall employ or contract at least one Class I licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance
6. **Materials Handling/Storage** Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes, and/or other wastes to State waters, in a manner that is consistent with reasonable Best Management Practices
7. **Compliance Reporting**
 - a. The maximum quantification levels (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
cBOD ₅	5 mg/L
TSS	1.0 mg/L
TRC	0.10 mg/L
Ammonia-N	0.20 mg/L
Dissolved Sulfide	0.10 mg/l

- b. Reporting:

Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in a. above shall be determined as follows: All concentration data below the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL listed in a. above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then

report "<QL" for the quantity. Otherwise use the concentration data and flow data for each sample day to determine the daily quantity and report the average of the calculated daily quantities.

Daily Maximum – Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in a. above shall be determined as follows: All concentration data below the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL listed in a. above shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the maximum value of the daily averages shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated daily maximum is <QL, then report "<QL" for the quantity. Otherwise use the daily average concentrations and corresponding daily flows to determine daily average quantities and report the maximum of the daily average quantities.

- c. Any single datum required shall be reported as "<QL" if it is less than the QL in section a. above. Otherwise the numerical value shall be reported.
 - d. **Significant Digits** - The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.
8. **Effluent Monitoring Frequencies** If the facility permitted herein is issued a Notice of Violation for any of the parameters listed below, then the following effluent monitoring frequencies shall become effective upon written notice from the DEQ and remain in effect until permit expiration.

<u>Parameter</u>	<u>Monitoring Frequency</u>
cBOD ₅	1/Day
TSS	1/Day
pH	1/Day
Ammonia	1/Day

No other effluent limitations or monitoring requirements are affected by this special condition.

9. **Reopeners** This permit may be modified or, alternatively, revoked and reissued:
- a. If any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements;
 - b. To incorporate technology-based effluent concentration limitations for nutrients in conjunction with the installation of nutrient control technology, whether by new construction, expansion or upgrade;
 - c. To incorporate alternative nutrient limitations and/or monitoring requirements, should:

- 1) the State Water Control Board adopt new nutrient standards for the water body receiving the discharge, including the Chesapeake Bay or its tributaries, or
 - 2) a future water quality regulation or statute require new or alternative nutrient control.
- d. **Water Quality Criteria Reopener** Should effluent monitoring indicate the need for any water quality-based limitations, this permit may be modified or alternatively revoked and reissued to incorporate appropriate limitations.
10. **Facility Closure** If the permittee plans an expansion or upgrade to replace the existing treatment works, or if the facility is permanently closed, the permittee shall submit to the DEQ Regional Office a closure plan for the existing treatment works. The plan shall address the following information as a minimum: Verification of elimination of sources and/or alternate treatment scheme; treatment, removal and final disposition of residual wastewater and solids; removal/demolition/disposal of structures, equipment, piping and appurtenances; site grading, and erosion and sediment control; restoration of site vegetation; access control; fill materials; and proposed land use (post-closure) of the site. The plan should contain proposed dates for beginning and completion of the work. The plan must be approved by the DEQ prior to implementation.
11. **CER for Nutrient Removal** This facility shall submit a Concept Engineering Report (CER) for DEQ approval prior to installation of any nutrient removal wastewater treatment technology. Upon approval of a CER for the installation of nutrient removal technology, DEQ staff shall initiate modification, or alternately, revocation and reissuance, of this permit, to include annual concentration limits based on the technology proposed in the CER. The permittee shall inform the DEQ regional office within 14 days of completion of construction of any project for which a CER has been approved. Upon completion of construction in accordance with a CER that has been approved by the DEQ regional office, any nutrient removal facilities installed shall be operated to achieve design effluent Total Nitrogen and/or Total Phosphorus concentrations.
12. **Schedule of Compliance** The permittee shall achieve compliance with the dissolved oxygen limitations and monitoring requirements in Part I.A.2 in accordance with the following schedule.

SCHEDULE OF COMPLIANCE	
1. Prepare progress reports	Annually from the effective date of the permit.
2. Achieve compliance with the final effluent limitations for dissolved oxygen (D.O.)	Within 18 months of the permit effective date

On the dates identified in the above schedule of compliance, the permittee shall submit to the DEQ Piedmont Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

D. Whole Effluent Toxicity (WET) Monitoring Requirements

1. Whole Effluent Toxicity Monitoring:

- a. In accordance with the schedule in e. below, the permittee shall collect 24-hour flow-proportioned composite samples of final effluent from outfall 001 and perform the following tests:

- 1) Annual 48-Hour Static Acute tests using *Ceriodaphnia dubia* for the duration of the permit. These acute tests shall be performed with a minimum of 5 dilutions, derived geometrically, for calculation of a valid LC_{50} . Express the results as TU_a (Acute Toxic Units) by dividing $100/LC_{50}$ for DMR reporting.
- 2) Quarterly chronic toxicity tests for four quarters, then annual frequency for the duration of the permit. The chronic tests to use are:

Chronic 3-Brood Static Renewal Survival and Reproduction Tests using *Ceriodaphnia dubia*

Chronic 7-Day Static Renewal Survival and Growth Tests using *Pimephales promelas*

These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival and reproduction or growth. Results which cannot be quantified (i.e., a "less than" NOEC value) are not acceptable, and a retest will have to be performed. Express the test NOEC as TU_c (Chronic Toxic Units), by dividing $100/NOEC$ for DMR reporting. Report the LC_{50} at 48 hours and the IC_{25} with the NOEC's in the test report.

- i) If after a minimum of four quarters of tests have been reviewed, it is determined that tests with one of the species in Part I.D.1.a.2) meets the criterion below, testing may be reduced to using only one species:

Survival of $\geq 80\%$ of the organisms in 100% effluent in each of the tests considered, and the secondary NOEC endpoint for reproduction or growth is an NOEC = 100% effluent.

- ii) The permittee may provide additional samples to address data variability. These data shall be reported and may be included in the evaluation of effluent toxicity. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.
- b. The test dilutions should be able to determine compliance with the following endpoints:
 - 1) Acute LC_{50} of 26 % equivalent to a TU_a of 3.84.
 - 2) Chronic NOEC of 3% equivalent to a TU_c of 33.33.
- c. The test data will be evaluated for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests of Part I.D.1.a. may be discontinued.
- d. The permit may be modified or revoked and reissued to include pollutant specific limits in lieu of a WET limit should it be demonstrated that toxicity is due to specific parameters. The pollutant specific limits must control the toxicity of the effluent.
- e. Reporting Schedule:

The permittee shall report the results on the DMR and supply one (1) copy of the toxicity test reports specified in this Toxics Management Program in accordance with the following schedule:

<u>Period</u>	<u>Compliance Periods</u>	<u>Report Submission Dates</u>
1 st Quarterly Chronic	July 1 st – September 30 th	October 10, 2009
2 nd Quarterly Chronic	October 1 st – December 31 st	January 10, 2010
3 rd Quarterly Chronic	January 1 st – March 31 st	April 10, 2010
4 th Quarterly Chronic	April 1 st – June 30 th	July 10, 2010
and 1 st Annual Acute		
1 st Annual Chronic and	July 1 st – June 30 th	July 10, 2011
2 nd Annual Acute		
2 nd Annual Chronic and	July 1 st – June 30 th	July 10, 2012
3 rd Annual Acute		
3 rd Annual Chronic and	July 1 st – June 30 th	July 10, 2013
4 th Annual Acute		
4 th Annual Chronic and	July 1 st – May 30 th	June 10, 2014
5 th Annual Acute		

E. Total Residual Chlorine (TRC) Study and Monitoring Requirements

1. The permittee may request a pilot study to evaluate the effectiveness of the Natural Treatment System (NTS) in serving as a dechlorination system to meet TRC limitations listed in Part I.A.1. If a study is requested, the permittee shall prepare and submit documentation for approval by DEQ describing the scope of the study to include the length of time of the study that will allow for the collection of data to provide a statically significant data set to address a range of NTS flow conditions (including high flow, 7Q10, and 1Q10 conditions) both inside and outside of the

seasonal NTS growing seasons. Additionally, the scope of the study shall include a contingency plan that outlines immediate corrective action and subsequent best management practices to prevent a recurrence if the TRC concentration following the NTS and prior to discharging to the river exceeds the permit limitation of 0.13 mg/L monthly average and 0.27 mg/L daily maximum.

2. During the study, TRC monitoring shall be performed as follows:
 - a. Samples shall be collected at the following locations:
 - 1) At the WWTP Discharge Point of Outfall 001
 - 2) Following the NTS, prior to discharging to the river.
 - b. The date and time that each sample is collected shall be recorded. Additionally, the flow rate at the time of collection shall also be recorded.
 - c. If at anytime during the study, the TRC concentration of the effluent monitored following the NTS exceeds the final effluent limitation listed in Part I.A.1 of this permit, the permittee shall implement the submitted corrective action plan required in Part I.E.1 above and prevent the recurrence of the noncompliance.
 - d. The chlorination requirements of Part I.B.1 of this permit shall apply at all times during the study.
3. There shall not be any bypass of the NTS at any time during the study.
4. The permittee shall immediately provide written notification to the Department if the study is terminated for any reason.
5. A report summarizing the findings of the dechlorination study shall be submitted to the Department no more than 45 days following the end of the first 6 month period of the study.
6. At the conclusion of the study, the permittee shall return to using chemical dechlorination until such time that written notification is received from DEQ as stated in Part I.E.8.
7. A final report documenting the findings of the dechlorination study shall be submitted to the Department no more than 60 days following the end of the study. The final report shall contain the following:
 - 1) For each sampling station, the data set shall include:
 - (a) sample location
 - (b) date and time sample was collected
 - (c) TRC concentration (mg/L)
 - (d) Flow rate (GPM)
 - 2) A statistical analysis between the TRC concentration of the NTS influent and the NTS effluent.
 - 3) Demonstration that the NTS can act as a dechlorination system capable of meeting the TRC limitations as listed in Part I.A.
 - 4) A statement of successful or unsuccessful demonstration of the NTS as a dechlorination system.
8. Upon written notification from the Department, the TRC limitations and monitoring in Part I.A. shall be replaced with the following permit limitations and monitoring requirements:
 - a. The TRC concentration of the NTS influent shall not exceed the highest TRC

concentration demonstrated in the study to meet the 0.13 mg/L TRC final effluent limitation or 3.5 mg/L, whichever is lower;

- b. Grab samples shall be collected daily at the WWTP Outfall 001; and
- c. The chlorination requirements of Part I.B.1 of this permit shall apply at all times.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

DEQ - Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved, or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limits which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F 1; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F 1, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit. Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a

treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I.1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I.2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (804) 527-5020 or fax (804) 527-5106. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

- (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulation; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a municipality, state, federal, or other public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of

equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act.

Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate licensed operator staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

- a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This

condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limits if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated; and
 - c. The permittee submitted notice of the upset as required in Part II I 2.
 - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection time unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of Permits

1. Permits are not transferable to any person except after notice to the Department. Except

as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.